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Via ECF

November 28, 2014

The Honorable Louis Stanton  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square – Courtroom 1106  
New York, New York 10007

Re: Fermo Jaeckle v. Radiant Oil & Gas, Inc.  
Civil Action No. 14-cv-03416-LLS

Dear Judge Stanton:

I represent Defendant Radiant Oil and Gas, Inc. in the above-captioned matter. I write to revise my request stated in my letter dated November 26, 2014, for an additional five days to produce documents in discovery in the above referenced matter (changing the current deadline from November 30, 2014 to December 5, 2014), and to also request an extension of time to depose the third party defendants in this matter, who are only being served with the Third Party Complaint at this time (changing the current deadline from December 30, 2014 to February 15, 2015).

Mr. Bursky, representing Plaintiff Fermo Jaeckle, has consented to both of these requests, in emails exchanged with me on November 26, and 28, 2014.

Mr. Bursky and I have scheduled the depositions of both Plaintiff and Defendant on December 15, 2014, in accordance with the scheduling order entered on September 10, 2014. Five days additional time to produce the documents we will need for these depositions will not impair this schedule. Enclosed is a copy of the current Scheduling Order.

With respect to the depositions of the third party defendant corporate representatives or individuals, it is unlikely that the third party defendants, who will retain counsel and answer or

**SZAFERMAN  
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otherwise respond to the complaint in the next month, will also sit for depositions, prior to December 30, 2014, the current deadline. I therefore request until February 15, 2014 to depose these representatives and persons.

The reason for my first request is that I was on trial for two full weeks in the United States District Court, Eastern District of New York, since November 10, 2014, and only returned to my office after the verdict on November 21, 2014. Because of this time away from my office, I have not fully finished reviewing documents and identifying any privileged documents and will not be able to comply by November 30, 2014, which is the Sunday of Thanksgiving weekend. Additionally, my staff has Friday off as part of the Thanksgiving holiday. Although am working over the holiday, I need the assistance of my staff, especially my technical staff.

With respect to my second request, I am anticipating the amount of time needed to conduct discovery of the third party defendants, given that they are only being served with process now. As I noted in our most recent conference, some of the issues in the Third Party Complaint may be resolved in a AAA arbitration proceeding, brought by Anastasios "Tommy" Belesis and the 2008 Anastasios Belesis Irrevocable Trust, as alleged successor in interest to John Thomas Financial, Inc., with respect to the alleged beneficial owner of the disputed one million shares of Radiant Oil and Gas, Inc. stock at issue, and its return to Defendant Radiant Oil and Gas, Inc.

On behalf of Defendant Radiant Oil and Gas, Inc., I have made no prior requests for any extensions of time.

I would greatly appreciate additional time to produce the discovery in this case, and to depose the third party defendants.

Respectfully submitted,



Janine G. Bauer

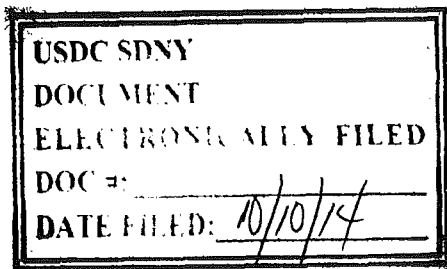
Attorney for Defendant Radiant Oil  
and Gas, Inc.

c. Robert Bursky, Esq.

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Attorney for Defendant/Third Party Plaintiff, Radiant Oil & Gas, Inc.



IN UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

FERMO C. JAECKLE,	)	
	)	
Plaintiff,	)	Case No. 14-cv-3416-LGS
	)	
v.	)	SCHEDULING ORDER
	)	
RADIANT OIL & GAS, INC.,	)	
	)	
Defendant/Third Party Plaintiff,	)	
	)	
v.	)	
	)	
JOHN THOMAS FINANCIAL, INC., a	)	
corporation of the State of New York	)	
	)	
Third Party Defendant.	)	

THIS MATTER having come before the Court during a conference conducted on ~~September 26~~ <sup>October 10</sup>, 2014 with counsel for Plaintiff Fermo Jaeckle ("Jaeckle") (Robert M. Bursky, Esq., appearing) and counsel for Defendant Radiant Oil & Gas, Inc. ("Radiant") (Szaferman, Lakind, Blumstein & Blader, P.C., Janine G. Bauer, Esq., appearing); and the parties through their respective counsel, having consented to the form and substance of this Order; and good cause having been shown;

IT IS on this 10<sup>th</sup> day of October, 2014,

LLS

ORDERED that:

1. ~~Defendant to add third-party defendants and make any motion to impose a~~  
~~constructive trust on stock in the possession of any third-party defendants to be filed by October~~  
~~30, 2014.~~

LLS

2. The voluntary production of documents by Plaintiff and Defendant is to be completed by October 30, 2014. Any subsequent requests for documents by Plaintiff or Defendant made to the other shall be served by November 20, 2014, and all responsive documents or objections thereto shall be served by November 30, 2014.

3. The depositions of the following persons shall be conducted until completion as follows:

<u>Name</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
Fermo Jaeckle	no later than 12/15/14	10 am	NYC
John Jurasin	no later than 12/15/14	10 am	By agreement of counsel or by court order

4. Defendant also reserves the right to take the depositions of the following persons, which shall be noticed and scheduled consistent with the availability of counsel for such persons as well as Plaintiff's counsel, so as to be completed no later than December 31, 2014, with all such depositions taking place in New York County, New York, starting at 10:00 a.m. on the date each deposition is to be held:

Anastasios "Tommy" Belesis

John Belesis

George Belesis

Corporate Representative of the  
2008 Anastasios Belesis  
Irrevocable Trust

Corporate Representative of  
John Thomas Financial, Inc.

Auditor of John Thomas  
Financial, Inc.

Corporate Representative of  
JCTM, an investment advisor,  
now known as Patriot 28, LLC

George Jarkesy, Manager of  
Patriot 28, LLC

John Thomas Bridge  
and Opportunity Fund LP I and II,  
now known as Patriot Bridge and  
Opportunity Funds LP, I and II

Plaintiff's consent to the depositions of such persons shall not be deemed or construed to be an acknowledgement or agreement by Plaintiff that any such depositions are appropriate or necessary, or that any such persons have knowledge and information relevant to Plaintiff's claims.

*Status conference re when to file Pre-trial*  
~~5. Defendant's expert report shall be served by April 1, 2015. (Experts' reports are to set forth not merely the expert's qualifications and conclusions, but also the facts on which the expert relies and the process of reasoning by which the expert's conclusions are reached.)~~

6. Defendant's expert deposition is to be completed by May 18, 2015.

~~7. All discovery in the third party action is to be completed by May 18, 2015.~~

*order Friday Jan. 16<sup>th</sup> is  
at 11:30 A.M.*

~~8 Dispositive and other motions and motions in limine, to be filed by June 1, 2015,~~  
provided that prior to that date, and at any time, Plaintiff may make a motion for summary judgment, or to sever the third-party action from the main action.

9. By June 15, 2015, each party will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and proposed findings of fact and conclusions of law for a non-jury trial.

10. A final pre-trial conference pursuant to Fed. R. Civ. P.16(d) shall take place on June 30, 2015. LLS

11. Statement of limitations to be placed on discovery, including any protective or confidentiality orders: None at this time.

12. Statement of those discovery issues, if any, on which counsel, after good faith effort, were unable to reach an agreement: None at this time.

13. Anticipated fields of Defendant expert testimony, if any: relationship between bridge loan and John Thomas Financial, Inc.; fraud; securities violations; breach of contract; ~~breach of duty; valuation of stock; damages~~

14. Anticipated length of trial ~~and whether to submit~~ <sup>to</sup> jury: Five (5) days. LLS

15. The Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

*Louis L. Stanton*  
HON. LOUIS L. STANTON, U.S.D.J.

10/10/14

We consent to the form of the  
foregoing Scheduling Order.

By: /s/ Robert Bursky by Janine  
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Dated: October 9, 2014